

**City of Saratoga Springs  
Planning Commission Meeting  
December 10, 2015**

Regular Session held at the City of Saratoga Springs City Offices  
1307 North Commerce Drive, Suite 200, Saratoga Springs, Utah 84045

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**Planning Commission Minutes**

**Present:**

Commission Members: Kirk Wilkins, Hayden Williamson, David Funk, Ken Kilgore, Troy Cunningham, Brandon MacKay

Staff: Kimber Gabryszak, Sarah Carroll, Kevin Thurman, Nicolette Fike, Mark Christensen, Janelle Wright, Kara Knighton, Jamie Baron, Owen Jackson

Others: Paul Sellers, H. Ronald Johnston, Shelly Johnston, Richard Veasey, Peter Staks, Mark Victor, Morgan Humphries, Nathan Hite, Sean Dowdle, Mike Wagstaff, Mike Baley, Brian McElligott, Karen McElligott, Chad Spencer, Charlie Meyers, Bob Krejci, Jeremiah Johnson, Deborah Johnson, Chris Porter, Wade Williams, Lamonte Wilcox, Callae Wilcox.

**Excused:**

**Call to Order** - 6:30 p.m. by Chairman Kirk Wilkins

**Pledge of Allegiance** - led by Shelly Johnston

**Roll Call** – A quorum was present

Mark Christensen introduced Kayla Moss as the new City Recorder to the Planning Commission.

**Public Input Open** by Chairman Kirk Wilkins

Paul Sellers spoke about the new development in his area, they allow the weeds to grow high and all the weeds and tumble weeds will end up in his yard.

**Public Input Closed** by Chairman Kirk Wilkins

Kimber Gabryszak responded to public comment to clarify the area Mr. Sellers was concerned about.

**4. Public Hearing: Preliminary and Final Plat, Site Plan and Conditional Use Permit for Saratoga Springs 4 Church located at approximately 1150 S Redwood Road between Redwood Road and Old Farm Road, Evans & Associates Arch. Chad Spencer, applicant.**

Jamie Baron presented the plat. The Preliminary Plat is for a one lot subdivision for the church and to dedicate Tanner Lane (which connects to Redwood Road) to the City.

The Applicant was present.

**Public Hearing Open** by Chairman Kirk Wilkins

Paul Sellers lives south of this and was concerned because he heard the church west of here caused damage to homes when they put pilings 20ft. in the ground. He was told they did not repair the damage. He was concerned it would do the same thing it did before and wanted assurance that if something happens again that it will be taken care of. He reminded them about the water drainage issue he spoke about a few months ago.

**Public Hearing Closed** by Chairman Kirk Wilkins

Kimber Gabryszak said they turned the water drainage issue over to the City Engineer. Concerning the construction process she requested the applicant speak to that.

Chad Spencer noted the church up the hill had very bad soils with 18 ft. of collapsible soils they had to excavate out. This site does not have the bad soils and will not be over excavated, just typical grading and footings. They shouldn't have any substantial dirt work. He noted they had one letter from one home

owner; the problem was turned over to the contractor to work out with the homeowner. Since there was prior cracking on the house before this took place it was hard to prove what happened when, so there was no resolution. For this project they will go to all the homes this time and walk their homes and take photos and note existing damage so they will have a record of them for any disputes that come up.

Kevin Thurman suggested that with engineering items, we don't typically address those at this stage; it is usually later with a preconstruction meeting. This is good feedback that the engineers can discuss at the construction meeting when all the plans will be looked at in more detail.

Ken Kilgore asked for clarification on the trees along Tanner Lane.

Chad Spencer and staff noted trees on the plans.

Troy Cunningham asked about lights on the plans.

Jamie Baron commented on the plans where there is a condition noting the 16 ft. height of the lights. There is a 26 ft. arterial street light on Redwood Road which is City Standard.

Hayden Williamson had no concerns at this time.

David Funk asked why the pavilion was being built late.

Chad Spencer said the Stake that will be occupying this building will be responsible for donating labor or cost for 20% of that and until they make the decision on whether it will be labor or cost then the Church won't move forward, it will be sometime down the road.

David Funk is concerned that it may be put off and never get done. He asked about sprinklers or lawn in the area.

Chad Spencer said as of now it's not in the plans. They have blocked out that area and will put bark in, in anticipation of doing construction then it will be part of the permit set.

David Funk is concerned that he has seen too many projects when things are not completed and it would be easier to get things done at the same time.

Hayden Williamson asked if they could put a condition that they would put grass in.

Kimber Gabryszak said they could not leave it as unfinished ground indefinitely but could put other material down. The bark is allowed by code.

Brandon MacKay had no additional comments.

**Motion made by Hayden Williamson to forward a positive recommendation for the Saratoga Springs 4 Church Preliminary Plat, Site Plan, and Conditional Use Permit to the City Council as outlined in exhibits 4, 5, & 6 with the Findings and Conditions in the Staff Report dated December 3, 2015. Seconded by Troy Cunningham. Aye: David Funk, Hayden Williamson, Kirk Wilkins, Ken Kilgore, Troy Cunningham, Brandon MacKay. Motion passed 6 - 0.**

**5. Public Hearing: Site Plan Amendment for Lakeview Academy, located at 527 West 400 North, Rick Veasey, applicant.**

Sarah Carroll presented the amendment. This is a request to amend the Lakeview Academy site plan to add 11,860 square feet to the existing building which will allow for the addition to a gym, restrooms, 4 classrooms, a multimedia room and associated control rooms, and ship rooms for the space program. The applicant has stated that they will not increase their student body with this request. The depth of the detention basin will also be increased slightly. No other site changes are proposed. There were no concerns with bulk. She noted they have enough parking for staff with several for guest stalls. Pick Up and Drop off are the peak traffic times.

The applicant was present for questions.

**Public Hearing Open** by Chairman Kirk Wilkins

No comments were made.

**Public Hearing Closed** by Chairman Kirk Wilkins

Brandon MacKay had no major concerns at this time.

David Funk understands they aren't adding programs per se, but now having a place to have events such as concerts, he would think in the evenings they may have quite a bit of need for parking.

Rick Veasey clarified they already had one gym and this is just adding the back 1/3 of the other gym. The outer loop becomes additional parking for evening events, about 70 spaces. They will just continue the same events they have now.

Hayden Williamson tends to be of the opinion that they know their parking situation better than we do, he doesn't recall problems when he had kids go there.

Troy Cunningham also had a daughter attend this school and doesn't remember problems with parking. He noted he got to see the current space ship they had.

Rick Veasey said these two ships will allow classes to divide up and fly the missions at the same time.

Ken Kilgore had no other concerns.

Kirk Wilkins noted all his questions had been answered.

**Motion made by Hayden Williamson that Based upon the evidence and explanations received today, I move that the Planning Commission approve the site plan amendment for Lakeview Academy, located at 527 West 400 North, subject to the findings and conditions listed in the Staff Report. Seconded by David Funk. Aye: David Funk, Hayden Williamson, Kirk Wilkins, Ken Kilgore, Troy Cunningham, Brandon MacKay. Motion passed 6 - 0.**

**6. Public Hearing: Rezone, General Plan Amendment, and Concept Plan for Holiday Oil, located at 3990 S Redwood Road, Mike Wagstaff, applicant.**

Jamie Baron presented. The applicant requests a rezone from Neighborhood Commercial (NC) to Regional Commercial (RC) and a General Plan Amendment from NC to RC for the purpose of building a 4,000 square foot convenience store with a possible single bay automated carwash and fuel services.

Mike Wagstaff was present to answer questions

**Public Hearing Open by Chairman Kirk Wilkins**

Chad Logan is in opposition to the rezoning. He thinks there are lots already zoned further north that would serve the purpose better rather than rezoning here.

Jeramiah Johnson noted his backyard was on the boundary line and stands in opposition to this. He noted there are zones for this already existing 30 seconds north. He noted there is already confusion and congestion along the road when boats come to the harbor. There are more appropriate lots north. When they moved in they were aware it was a Neighborhood Commercial and they feel this would violate the spirit and continuity of the surrounding community.

Ron Johnston boards this property and asks that Planning Commission put themselves in their position of no longer having privacy. He has been a Class A driver and done fuel deliveries and notes that lights and noise would be a problem. It will affect his ability to sleep during the day. He presented the commissioners with a list of items they are opposed to. There are other locations that would be better served and they would have a better clientele.

Sean Dowdle also boards the property. He is also in opposition, echoing a lot of sentiments. There are other properly zoned sites that would be better suited. This community deserves what it was zoned for. There are concerns from lighting at night to soils impacts. They should stand against the rezone.

Charlie Meyers is concerned that when he moved in he checked the zoning and was told the zone would never change and there wouldn't be a gas station in the back yard. He and the neighbors moved there and made those decisions based on what they were told by the City

Brian McElligott stands opposed for all the reasons previously stated. They purposely moved that far to be away from those types of things.

Shelly Johnston strongly objects to this for several reasons. Her biggest concerns are the financial situation and how it would decrease the value of their homes. It's an eyesore when you are entering an area with half million dollar homes. She has a child with severe heart conditions and emotional problems and he spends 90% of his time in the room which is directly next to this. It very much concerns her that her future is in their hands.

Karen McElligott is opposed for all the reasons previously stated.

Nathan Hite is opposed and would like to add that the type of traffic they will bring to their neighborhood is not what they would like in their neighborhood. It is a common drug traffic road and he doesn't want them stopping near his house, as well as things like diesel trucks.

Morgan Humphries is a little farther away from this and is neutral to the idea but there are definitely measures that should be put in place if this is approved, like a noise wall and specific lighting that does not produce light pollution. He would suggest that they are both part of HOA's and both have aesthetic requirements and all buildings should be held to those standards.

Debbie Johnson who boards this property said there wouldn't be a wall tall enough to block their view of this. She is upset that we are entertaining the idea of this. We were here first and the entire neighborhood moved here with certain expectations. She is concerned about the children in the neighborhood. More people could be coming through the neighborhood. To consider a business over the people who already live there is a concern. They already get tons of traffic because of the boats and now there will be more. It is unacceptable to her to accept a business to a rezone that was not already in place.

Mike Baggle's home faces the proposed gas station. There are concerns with the noise and lighting and adds his opposition to the rest of the people who spoke and also had concerns about the value that it would take away from their homes. He asks that Planning Commission put themselves in their shoes. He mentioned that his neighbors Matt and Lee Pease couldn't be here and also sent their opposition.

Holly Wilcox is in opposition to the gas station being built. They would like to keep the area as residential as possible. The increase in noise, lights and crime are all concerns.

Mark Victor is opposed on an economic basis as well as he believes it would devalue their homes. It would never have been allowed where he moved from, especially where it was already zoned something else. Up the street is already another commercially viable spot.

Nathan Archibald is pro-development but planning has to be done the right way and the right businesses have to go in the right places. He thinks when the right businesses come in it will add value to the neighborhood. That can be a great value to the neighbors and now they are being asked to give that up for something worse in return. It will be a burden for everyone in the area. There is no value in this to the neighborhoods and it sets a bad precedence. It devalues the properties and he is opposed for basic common sense reasons. There are plenty of alternate places it could go.

Staff read letters from

Cory and Richard Kartchner, were opposed and feel it would be a blemish in the area and create traffic problems.

Dan and April Chavez were concerned that it would take away from the feel of the neighborhood and traffic was a concern.

Kirk Wilkins asked the applicant to respond.

Mike Wagstaff thought from their position they thought it would be a great opportunity to build a station there with access close to the marina and the growth that will continue to take place. The accessibility on this property vs. other spots was the reason they chose here; this was the most viable for them to say it would be a successful site. They think it would be a great place. Some things they could mitigate with landscaping and so forth like lighting. They believe they add value to communities with the services rendered there.

Kirk Wilkins asked Kevin Thurman to touch on what is before Planning Commission tonight to decide.

Kevin Thurman clarified that it wasn't the City that was proposing this rezone, a property owner has a right to come in and ask for a rezone and that is what is occurring at this point. Right now the decision is on a Rezone, which is a legislative decision. Council will have discretion whether to grant this Rezone if they feel it promotes the general welfare or they can deny it.

Mike Wagstaff noted that in So Jordan and other cities their Neighborhood Commercial allowed a gas station so as they pursued this property he was under the understanding that the Neighborhood Commercial here would allow it as well, so it was a curveball to have to go through this process for them.

Kimber Gabryszak noted they have been asked if other cities allow gas stations in Neighborhood Commercial, she said it's up to the individual cities. At the time this was zoned Neighborhood Commercial the City allowed gas stations in the zone, but in 2008 that Use was taken out but it remained Neighborhood Commercial. A comment was made that someone said the City said the zone would never change but zoning changes frequently. Whatever the zoning is when you move in is not guaranteed to stay but that being said that is why they go through this process that allows people to weigh in. People do have property rights and they do have the right to apply for a rezone, which is what is happening tonight. Other comments were that they were surprised the City would consider this but according to law the City has to consider this. This meeting is part of the process. Public will also have a chance to be heard at the City Council meeting. Tonight is a concept plan for a layout, with an actual Site plan you will get more details. No matter what the decision is tonight the process is not over.

Sean Dowdle said it is saying something that the legislators of the City chose to take this Use out of the Zone. It has to be for the betterment of the community and he feels it was shown tonight that this would be to the detriment of the community. He asks that they put themselves in the residents' chairs. Jeramiah Johnson believes in property rights as long as it doesn't affect the other person. Yes they have the right to process this application, but you have the job to protect our properties as well. He asks that they preserve the residential lots and petitions for the protection of their property.

Ron Johnston would go off of what Mr. Wagstaff said and that his most important concern was that he had accessible driveways and no more than that.

Kevin Thurman addressed the audience to explain how Planning Commission worked. This was a recommending body for rezones and the City Council would make the decision on the rezone. Also, you never have a right to a specific zone unless you put in an application before the zone changes. A zones change is a legislative decision and there is considerable discretion.

#### **Public Hearing Closed by Chairman Kirk Wilkins**

Ken Kilgore asked if staff knew why the gas station was taken out of the zone.

Sarah Carroll said they did a comprehensive review and in those discussions there was a conversation that a gas station was not neighborhood friendly.

Ken Kilgore asked to have clarified the definition of a automotive refueling station in the code

Jamie Baron noted that an auto refueling station would be something like the gas station on Smiths property, a less than 200 sf space that services the primary use of the pump. This is a larger store so this would be a Convenience Store under the Code.

Ken Kilgore asked if the refueling services and car wash are still Conditional Uses.

Jamie Baron replied the fuel services are included in the convenience store definition and was allowed, the car wash would be a conditional use.

Ken Kilgore noted that Commissioner Steele who could not be here suggested he check Title 19.15. He visited the site and noted Wayman Park that was across the street and wondered about the Special Consideration.

Jamie Baron said that section is for conditional uses, which in this case would be the carwash. In that requirement we have both full-service and self-service carwash designations and so in this situation the only one that could be approved would be a full-service. So the special consideration would not apply.

Troy Cunningham asked about the lighting. He noted the lighting in their store in Eagle Mountain is not bright. We also have a dark sky ordinance and asked what kinds of things they can do to reduce the lighting.

Mike Wagstaff said the City Code specifies how much lighting they have and shielding. There are a lot of things they can do to mitigate light leaving their lot.

Hayden Williamson thanked everyone for showing up. He asked Mr. Wagstaff about why he chose this site vs. Regional Commercial further north.

Mike Wagstaff said that UDOT says the closest you can get to your business is 500 feet from the corner for a driveway. To buy that amount of real estate is expensive. Their typical lot is an acre and a half, this is about 2 ½. Also the ease of cars getting in and out. This would be a right-in right-out so that cuts it down to 300 ft. If you are on the corner and you can't get access to that driveway you can't get access unless you get an easement over someone else's property. He is not aware of the spot just north that everyone asked about. They built a Neighborhood Commercial station in Lehi recently and assumed the same thing was

here. There was another spot but again with the driveway according to UDOT they would have to buy 3 acres, and there were elevation problems as well so they didn't pursue that property.

Hayden Williamson would like something down south, he hears from others in the south that they don't want to drive so far for gas and milk so he would like that opportunity for people in the south but he is also always very concerned about changing zoning. As a gas station is a rather heavy use for something abutting residential properties, they would typically want a buffer there and for those reasons he struggles with this. But he feels some commercial down there would be good for residents. He is uncomfortable changing the zoning at this time.

Sarah Carroll said they are processing an application on Village Parkway to pull commercial zoning more towards the center away from the detention basin and Redwood Road frontage. They have also shown a gas station in previous concept plans.

Mike Wagstaff said they were working with him on that application and there you were again in the middle of no intersection for access. They have looked at multiple places down in that area and this lot made the most sense for them.

Hayden Williamson asked if we had thought about creating different zones, there doesn't seem to be anything in the middle of Neighborhood Commercial and Regional Commercial.

Kimber Gabryszak replied that they have a goal of creating a third commercial zone that would be in the middle; something that would serve a larger area than Neighborhood Commercial, but not have as big of a draw like Regional Commercial.

David Funk wanted to say he felt for the people in that area, having been in a similar situation. He does like Holiday Oil and understands their right to apply for this. He also feels there could be a station in the south but isn't positive this is the correct location. From both a homeowners and commercial position location is very important. Also no matter what we decide tonight the City Council will make the final decision and he hopes everyone realizes that so if it's not the way they want it to be tonight they can make their comments again to City Council.

Brandon MacKay wanted to state he did know the applicant and his business model but did not have any financial stake in his business or properties. He wanted some ideas of what types of revenue generating business could be in Neighborhood Commercial.

Kimber Gabryszak said something like a small neighborhood grocer or dance studio would fit in that zone and size of lot.

Brandon MacKay thought this might be a reoccurring situation in this area until something was built there. It's an ideal place for weekend traffic. He doesn't have a strong position on this now but does understand the owner has rights. It will be an ever-going topic for the city as they look at business in the south area. Right now he would like to make it a win-win if possible. He understands the thoughts of the residents and will take those into consideration.

Kirk Wilkins asked when the applicant purchased this land.

Mike Wagstaff said they did not own it yet and would only purchase if it was zoned to allow a gas station. He understood that Neighborhood Commercial would allow a gas station based on building in other cities in the area they worked with. They also worked with the neighbors to mitigate hours and lights and things and in most cases they came up with a win-win situation and they had been a positive situation. Most of the problems they could mitigate.

Kirk Wilkins feels we have looked at this from many sides. He thanked them all for their patience, explanations and information.

**Motion made by Hayden Williamson to forward a Negative recommendation to the City Council for the Holiday Oil Rezone and General Plan Amendment with the finding that it is not consistent with the General Plans Seconded by David Funk. Aye: David Funk, Hayden Williamson, Kirk Wilkins, Ken Kilgore, Troy Cunningham. Abstain: Brandon MacKay. Motion passed 5 - 0.**

**7. Site Plan for Fairways Office Park, located at approximately 2246 S Talons Cove Drive, Peter Staks, applicant. (Continued from November 12, 2015)**

Kara Knighton presented. The Site Plan proposal is for two 30,000 sq. ft. commercial office buildings in the Regional Commercial zone on a 4.84 acre parcel. The proposal consists of 50,000 sq. ft. of Professional

Office space and 10,000 sq. ft. of Medical/Health Care office space. She reviewed comments from Development Review Committee. She noted changes made since they last met. The applicant added a second dumpster. They have put recommendations for a 4 ft. guard rail and a screened fence. They have gone down to one monument sign. It will be up lit and have shrubs in front. The architect added two feet to the third section of the buildings to screen the roof so the total height is 46 ft.

Kirk Wilkins asked them to discuss the traffic study

Janelle Wright said the study only really dealt with the traffic to Fairway Blvd. but it will affect the access onto Redwood Road. UDOT encouraged us to ask the applicant to apply for a permit because it will affect traffic on that road.

Sarah Carroll noted that UDOT will be widening Redwood Road in the coming future and at that time they would require acceleration and deceleration lanes so based on the projected construction, completion in 2016, and Redwood Road construction in 2018, at that time UDOT will look at if a light is warranted. This is a phased plan so the impact and traffic study will happen with the first phase and they don't have timing on the second building at this time. Considering the timeline, do you put in an acceleration lane now that would be ripped out a year or two later.

Peter Staks said he tried to respond to all the "shall complies." The roof top extension is because there will be equipment on the roof and this will cover it. With the traffic study in 2018 the plan is to widen it so in the interim if a traffic light comes they wouldn't need the acceleration lanes. Today it is probably warranted but if they build it at 100% their cost it's a problem when it would be replaced in two years. The options are to apply for the lane, or ask UDOT for a traffic signal, or do nothing and wait until the road is widened.

Mark Christensen noted they met with UDOT earlier this week and they noted one of the main problems was that merge lane on parkway at the north end of Saratoga Springs Development. People are forcing a merge in rather than using it as an acceleration, it's creating a free right and that is the traffic back up. They cited that element that as it's currently functioning it's creating traffic. The elements of ripping it out in a year, does that make sense. Let them make their application and let UDOT make the recommendation as to what they see fit.

Brandon MacKay asked on the acceleration lane if it would go into Saratoga Springs Development.

Peter Staks said it would leave Fairway Blvd. and go north onto Redwood Road.

David Funk commented that one of the concerns last time was there was so much that could comply and it looks like he has addressed that, thank you for those efforts.

Hayden Williamson said it looks better and he is a lot more comfortable with that. He asked if the traffic study said it warranted a light today.

Staff responded that even though the applicant did a study, UDOT does their own studies, with their own standards.

Hayden Williamson said last time they discussed Saratoga Springs Development putting a gate in. In this design there is an entrance in front of the gate but also behind the gate that would allow people to drive through his lot to bypass the gate.

Peter Staks responded that there are possibilities to potentially regulate that. The amount of grade separation is steep; there is no real easy possibility to put a driveway earlier on Talons Cove Dr. You would almost have to drive through Talons Cove and drive back out, its fairly circuitous. They could extend the lower median and place a gate below that. As a private business they could monitor no cut through traffic. If it really became an issue they could consider a one way situation.

Hayden Williamson said cut through traffic is an issue but security and privacy is also an issue. He agrees it would have to be bad for people to go through the parking lots to get around the gate. If they approved this today and the HOA put in a gate would he agree to help foot the bill to move the gate?

Peter Staks said they could participate in modifications to the median.

Brandon MacKay asked if the gate would have to be east of the condos to the south so you couldn't go around those either.

Mark Christensen said there is a ripple effect with construction, that this is the right vein to be looking in so that security can be addressed. It would be a good condition to add.

Troy Cunningham was concerned with the traffic. He thought they should petition the State to put a light in.

Ken Kilgore noted last time Mr. Staks said there would be no equipment on the roof and now there is. He passed on that Commissioner Steele asked that if possible they match the trim on the screen wall with the

rest of the building. On the roof plan there is a ladder access that is outside the screen wall and wonders if there is a way for the person to access it from inside. If there has to be a door, perhaps there could be a backer or make it face away from residents.

Peter Staks thought that was a good point.

Ken Kilgore clarified that the new height included the screen wall. (Yes.)

Kirk Wilkins asked about the intersection and about traffic from the west that crosses 4 lanes to go northbound and with these new people coming in the peak hours, it's already a dangerous situation trying to cross the lanes and wondered how would that be addressed for safety.

Mark Christensen said they spoke again with UDOT about Ring Road; it's not a quick fix. This is something they will be looking at when the applicant submits a formal request to UDOT. We see the concern but it's up to UDOT to address this situation.

Peter Staks said the answer from their traffic study is a light. UDOT has to have their warrants before they will put something in. Right now the only potential easy solution is a right-in right-out without going into the intersection.

Sarah Carroll commented that the condition in the report is for them to submit a report to UDOT and follow their recommendation.

Hayden Williamson still feels like they need a condition that gives the HOA some protection if they decide to gate that.

Ken Kilgore believes the HOA owns the access so he would have to work with them.

Peter Staks replied that they would have to work with the HOA.

Kevin Thurman said his concern with that is in an ideal world they would work together but he isn't aware of a requirement in the code that says they have to work together. There has to be something in the code in order to make it a requirement.

Hayden Williamson asked if the HOA had any control over the access.

Kevin Thurman said it would depend on the bylaws and CCRs of the HOA.

Mark Christensen said to be cautious of giving the HOA a blank check, where they can require so much of Mr Staks that it becomes burdensome or unfair.

Kirk Wilkins noted things they had discussed, acceleration/deceleration lanes, the median, the screen wall matching paint, and the door having a backer wall or facing the back.

Ken Kilgore noted that the last two were just a request.

Kevin Thurman noted if the City needed to they could require developers to mitigate impacts that are caused by the development; such as imposing requirements for Redwood Road improvements. The City could place an express condition that they address the impacts on the city. Even though it's a UDOT road we have our residents using it so it's a public safety issue. UDOT doesn't have to comply with our ordinances. The developer has to provide adequate access to address the impacts the developer has on the City. In requiring the developer to make improvements to the road, we can't require UDOT to say yes, but we can require the developer to address the impacts somehow. There are things we can do even though it's a UDOT road.

Kirk Wilkins asked if there was any discussion to moving the road construction sooner than 2018.

Mark Christensen said they have talked about it at length yet he can't say one way or the other right now.

Kimber Gabryszak clarified that this wasn't originally in the request because he doesn't directly access Redwood Road, but UDOT suggested that as they are impacting traffic on Redwood Road that it be addressed.

Peter Staks said the data is in their study but UDOT will do their own study and then we would have to access their right of way to build a lane if that is determined.

Mark Christensen mentioned that we want to say is it fair to require something besides what UDOT would ask when it would be torn down for UDOT expansion within a year or two.

Hayden Williamson wants to be sure that as far as the access permit in condition 2. Could they be relatively certain that if UDOT denies anything is needed that something will be done to take care of the problems?

Kevin Thurman said if we are convinced that this will create additional impacts on the city then the developer should address and mitigate those impacts. There is already traffic that is an issue created by previous developments. We can't make the new developer solve the entire problem we can only make them solve their proportionate share of the problem.



Hayden Williamson wants to make sure that if something is required that it happens, something that will give him confidence that UDOT will look at it and require for something happen.

Kimber Gabryszak said at their meeting recently they talked about this particular project and it sounds like they will actually look at the numbers and do the study, not let it slide through. Condition 2 should cover the concern.

**Motion made by Hayden Williamson to forward a positive recommendation to the City Council for The Fairways Office Park Site Plan with the Findings and Conditions in the Staff Report. Seconded by Brandon MacKay.**

Kara Knighton noted that they needed to add the additional conditions they added last time.

Hayden Williamson amended the motion to **including the additional conditions in the presentation.** Amendment was accepted by Brandon MacKay.

**Additional conditions:**

- 1. An ADA accessible route shall be provided.**
- 2. Any rooftop equipment shall be enclosed.**
- 3. Access to the roof shall be from the interior**
- 4. Roof drains shall be on the interior of the building.**

**Aye: David Funk, Hayden Williamson, Kirk Wilkins, Ken Kilgore, Troy Cunningham, Brandon MacKay. Motion passed 6 - 0.**

**8. Public Hearing: Proposed Code Amendments: Title 19 all chapters, including 19.18 – Sign Regulations, and other changes.**

Kimber Gabryszak presented the Code Amendments. Most of the changes were cleaning the language and putting things together in one place. Some of the proposed amendments include: Group all Annexation processes and requirements in one place. Ensure all references to parking lot landscaping are consistent. Remove the Urban Design Committee throughout the code. Fix references to and standards for group homes. Allow plat amendments that affect PUEs to be approved by staff. Add requirement for delineation of outdoor display areas. Improve consistency throughout. Add parking requirements for residential facilities. Development review process.

Hayden Williamson asked on the Community Review requirements, if they had talked about increasing the boundary that is noticed.

Kimber Gabryszak doesn't recall that discussion. We are required by code to notice 300 ft.

Kevin Thurman said state law defers to municipalities on the notice distance. We are going above and beyond what the minimum requirement is.

Hayden Williamson wanted to make sure for instance if we are Rezoning something that is going to impact people for a further distance that we are noticing appropriately. He doesn't think 300 feet covers it but there are things to consider like the cost to the City.

Kevin Thurman said they could require posting on the property. That helps as well.

Ken Kilgore didn't think the code specified the conditional use table for self-serve auto car wash.

Kimber Gabryszak said it comes down to the definitions. Those items in the definition use list. They don't want to have definitions all over the place. A convenience store is defined differently than an auto re-fueling station.

Ken Kilgore said right now it sounds like all car washes.

Kimber Gabryszak will take a look at that.

David Funk asked why she changed 10 feet to 8 feet on landscaping parking lot buffers.

Kimber Gabryszak said they were referenced different in places so they made them all the same.

Kimber Gabryszak addressed sign code changes. We can't regulate any content of signs. The problem is that you can't refer to signage by type. If you have to read a sign to decide what type it is, then it's content based. They had to consider all types of signs to change the content regulation. The current proposal

includes the deletion of the current sign code in its entirety, and replacement with a new chapter that regulates signage by zone rather than by use or by type. The amount of signage permitted for each property will, in most cases, not be reduced. In some instances, such as in the case of the currently permitted Development Information or Grand Opening Signs, the amount of signage has been reduced or eliminated to avoid on content-based regulation.

**Public Hearing Open by Chairman Kirk Wilkins**

Wade Williams had a suggestion after he reviewed the new code. They didn't have all the details from Smiths and the building signs. They came to section 19.18.10.4a and realized Smiths Marketplace building has two main entrances and the code currently says they can only have a sign on one. So they ask that retail businesses that are larger than 50,000 sq. ft. may have a second primary sign in lieu of a secondary sign.

Kevin Thurman said they would have to look at content based regulation.

Suggested: A Building that is larger than 50,000 sq. ft. and has more than one primary entrance may have a second primary sign.

**Public Hearing Closed by Chairman Kirk Wilkins**

Hayden Williamson thinks our sign code has been bordering on too restrictive.

Kimber Gabryszak said in the past they have limited buildings to signs on two facades in this case they end up with the same amount of signage. They end up with about the same amount of signage but take out the option to give the option of a third or 4<sup>th</sup> sign for some and not for others.

Hayden Williamson has always had issues with us limiting signs. Businesses don't typically throw them up willy-nilly; they should have the ability to advertise their store. If he sees a building with two frontages he doesn't see that as an eyesore. He would like to see us ease up and give business a better opportunity to better market their businesses.

Mark Christensen understands but earlier they had an example where too many signs would be bad. Like the gas station that had a sign on all sides. Even on Walmart you may not want a sign on the back road. You don't want your signs going towards residential. They don't necessarily need full frontage on all roads.

Hayden Williamson sees that, then we will always have to determine major entrances, most only have two. We could handle those concerns with saying signs on that side have to be so many lumens or something. And we don't put Regional Commercial against residential for those concerns.

Ken Kilgore noted that his wife's business in Orem has less sign restrictions than in Saratoga Springs. She likes the restrictions to help businesses decide where to put their signs. Typically business won't put signs on all sides because they want to direct customers towards their security and main entrances. Why put a sign on a side without an entrance; customers get confused. From what he has seen businesses want signs only on the main sides.

Hayden Williamson tries not to get into what is best for the business. Let them decide what is best for their business.

Ken Kilgore responded that residents have said we don't want Redwood Road to look like Orem State Street.

Hayden Williamson doesn't think people are concerned with more signs; they can't see them all at any time.

He went through some definitions that seemed missing, like flashing signs. He was concerned with electronic signs. That is hard for gas stations that change prices all the time to not allow them.

Kimber Gabryszak noted this was a carryover from the previous committee that felt strongly about not allowing electronic signs. The gas stations use mechanical signs.

Mark Christensen said if we allow an electronic sign, we've given away the ability to monitor content, so we are looking at what we have at Thanksgiving Point. City Council passed a resolution that we intend to change the code. Primarily we wanted to change the code to meet the need of the Supreme Court ruling. These are probably concerns we want to address at a different time.

Kevin Thurman would ask that you forward this on with any recommendation to make sure it can be compliant with the Supreme Court decision.

David Funk commented that he had some of the same feelings that we are too restrictive, we are considered one of the more restrictive communities in a study he recently read, in some areas, and we need to keep that in mind.

Mark Christensen feels there were some things misconstrued in that study and he would not base the decision tonight on that study.

Ken Kilgore wondered about including “ideas” or “message” in the definition of signs. Right now it’s more commercial based.

Kevin Thurman thought it was a good point. That is a little more subtle and we can make it more generic. We could strip it down so it’s broader.

Ken Kilgore asked about hand held signs.

Kimber Gabryszak said typically they are not considered signs because it’s a person expressing their “idea.”

Kevin Thurman said they would want to be careful with that. Restrictions could only be safety related.

Ken Kilgore thought where it’s tied to commercial activity there would be more regulation.

Kevin Thurman responded that you had to look at every type of speech the same, if you regulate those signs then you have to regulate other similar signs.

Mark Christensen said the only thing that is different from a person holding a protest sign or a business sign; the only thing you are differentiating it by is the content and then you are limiting content.

Kevin Thurman said a person has the right to free speech in a traditional public forum, sidewalks are considered a traditional public forum. You can place time, place, and manner restrictions that are content neutral.

Ken Kilgore asked if graffiti would count as art or signage.

Mark Christensen said we discussed the same item, it was suggested that the difference is if they have permission to put the art on the building, if they don’t then it’s graffiti. This would be better to come back to later.

Ken Kilgore asked if Snipe Sign included lost dog type signs.

Kimber Gabryszak said technically yes, it would be an issue to call those out separately.

**Motion made by Hayden Williamson that Based upon the evidence and explanations received today, I move to forward a positive recommendation to the City Council for the proposed amendments to Sections [19.01, 19.02, 19.04, 19.05, 19.07, 19.09, 19.12, 19.13, 19.14, 19.22] with the Findings and Conditions in the Staff Report with the additional conditions 1 and 2 as indicated in Kimber’s notes. Seconded by Ken Kilgore**

Kimber Gabryszak asked him to **include 19.18** in the motion as well.

Hayden Williamson and Ken Kilgore **accepted the amendment.**

1. A Building that is larger than 50,000 sq. ft. and have more than one primary entrance may have a second primary sign.

2. Modify the definition of Sign as suggested by Commissioner Kilgore.

**Aye: David Funk, Hayden Williamson, Kirk Wilkins, Ken Kilgore, Troy Cunningham, Brandon MacKay. Motion passed 6 - 0.**

**9. Approval of Minutes:**

1. November 12, 2015.

**Motion made by David Funk to approve the minutes of November 12, 2015. Seconded by Hayden Williamson. Aye: David Funk, Hayden Williamson, Kirk Wilkins, Ken Kilgore, Troy Cunningham, Brandon MacKay. Motion passed 6 - 0.**

**10. Reports of Action.** - No reports tonight.

**11. Commission Comments.** – No additional comments were made.

**12. Director’s Report:**

- **Council Actions**
  - Kimber Gabryszak reviewed City Council actions taken at the previous meeting.
- **Applications and Approval**
  - We are at about 150 applications.
- **Upcoming Agendas**
  - There are no additional meetings this month. Next meeting is in January.
- **Other**
  - Mark Christensen spoke with Rob Smith earlier about the new school proposal that has come for the school in Legacy Farms. They have announced they would like to open the school in August 2016. We will likely receive a site plan next week.

**13. Motion to enter into closed session. - No closed session**

**Meeting adjourned by Chairman Kirk Wilkins without objection.**

**Adjourn 9:50 p.m.**

1-14-2016  
Date of Approval

Nicolette Fike  
Nicolette Fike, Deputy City Recorder



Kirk Wilkins  
Planning Commission Chair  
Kirk Wilkins